

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Telecommunications Relay Services and)	CC Docket No. 98-67
Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	CG Docket No. 03-213
Disabilities)	
)	
Americans with Disabilities Act of 1990)	

AT&T COMMENTS

Pursuant to the Commission's November 30, 2004 *Public Notice*,¹ AT&T Corp. ("AT&T") submits these comments on (a) the need for extension of the Commission's current waiver of the requirement that providers of telecommunications relay service ("TRS") offer three-way calling as a standard feature, and (b) additionally, or in the alternative, whether the three-way calling requirement requires modification or clarification.

As noted in the *Public Notice*, the Commission in 2003 required that TRS providers offer three-way calling as part of their service by February 24, 2004.² AT&T

¹ Public Notice, "Federal Communications Commission Seeks Comment on Expiration of Waiver of Three-Way Calling Requirement for Providers of Telecommunications Relay Services (TRS)," DA 04-3709 (rel. Nov. 30, 2004 ("Public Notice")).

² See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket No. 98-67 and CG Docket No. 03-213, FCC 03-112 (rel. June 17, 2003) ("*Second Improved TRS Order*") ¶¶ 72-75. The Commission subsequently extended the three-way calling obligation to captioned telephone ("CapTel") service. See *Telecommunications Relay Services and Speech-to-Speech Services for*

filed a timely petition for waiver. AT&T strongly supports the Commission's goal of making three-way calling capability available to TRS users. However, as shown in the waiver petition, it would be technically infeasible to modify AT&T's TRS centers to originate three-way calling without costly additional development and modification that in all events could not have been completed within the timeframe prescribed in the *Second Improved TRS Order*.³ AT&T also showed that such system upgrades would be unnecessary to satisfy the Commission's objective stated in the *Second Improved TRS Order*, which was to create functional equivalency with users who do not have hearing and/or speech disabilities and who establish three-way calls using LEC-provided custom calling features ("CCS") or by bridging via their own customer premises equipment.⁴ Such CCS or premises equipment capabilities are already equally available to users with hearing and/or speech disabilities, whereas a TRS center does not have the ability to use the LEC network CCS feature to establish a three-way call.⁵

In response to AT&T's request, the Consumer and Governmental Affairs Bureau waived the three-way calling requirement for all TRS providers until February

(Footnote continued from preceding page)

Individuals with Hearing and Speech Disabilities, Declaratory Ruling, CC Docket No. 98-67 and CG Docket No. 03-213, FCC 03-190 (rel. Aug. 1, 2003).

³ See AT&T Petition for Limited Reconsideration and for Waiver, filed September 24, 2003, in *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67 and CG Docket No. 03-213 ("AT&T Pet.") at 9.

⁴ *Id.* at 8, citing *Second Improved TRS Order* ¶ 72.

⁵ AT&T Pet. at 8.

24, 2005.⁶ In view of the upcoming expiration of that waiver, the *Public Notice* solicits additional comments regarding the appropriate treatment thereafter of the three-way calling obligation.

AT&T already processes three-way TRS calls established by the end user through LEC-provided CCS feature or through bridging via the user's own premises equipment. It is clear that the most reasonable interpretation of the *Second Improved TRS Order* is that the Commission's requirement is fully satisfied if a TRS center processes such three-way calling initiated in that manner. Indeed, all of the other TRS providers who commented on AT&T's waiver petition have confirmed that this is the most appropriate construction of the Commission's ruling. For example, Hamilton Relay, Inc. stated that a correct reading of the *Second Improved TRS Order* "requires the provision of three-way calling capability *only* to the extent that the TRS end-user has purchased a three-way calling feature from his or her LEC."⁷ Sprint likewise stated that the Commission's requirement is fully satisfied by processing three-way calls established by end users from their own premises using LEC-provided CCS or functions in their own phones.⁸ And SBC also confirmed that "so long as the TRS provider participates in a

⁶ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, CC Docket No. 98-67, DA 04-465 (rel. Feb. 24, 2004).

⁷ See Comments of Hamilton Relay, Inc. in Response to Petitions for Reconsideration, filed Oct. 20, 2003, at 5 (emphasis in original).

⁸ See Comments of Sprint Corporation, filed Oct 20, 2003, at 5.

three-way call in one of the[se] two ways . . . the TRS provider should be in full compliance with the Commission's three-way calling requirement.”⁹

As shown above, the Commission should clarify the *Second Improved TRS Order* to expressly set forth the construction of the three-way calling requirement that has been uniformly recognized by TRS providers.¹⁰ In that event, there will be no need for TRS providers also to implement a redundant capability of establishing three-way calls using equipment in their relay centers, and the current waiver of TRS obligation to offer three-way calling may be permitted to expire or be terminated.¹¹

But if the Commission nonetheless concludes that TRS providers must also offer three-way calling through their centers -- a holding that AT&T believes is not supported by either the record or reasoning in the *Second Improved TRS Order* -- it is imperative that the current waiver be extended beyond February 24, 2005. As a threshold matter, AT&T showed in its petition that without more definitive guidance from the

⁹ See Comments of SBC Communications to [*sic*] Petitions for Reconsideration, filed Oct. 20, 2003, at 2.

¹⁰ As AT&T also requested in its reconsideration petition, the Commission should clarify the appropriate basis for billing end users that are parties to the conference call, an issue that was not adequately addressed in the *Second Improved TRS Order*.

¹¹ Clarification of the *Second Improved TRS Order* in the manner requested above will not, however, dispose of the question whether TRS providers are required under that decision to process three-way TRS calls involving communication with two or more TTY users. The *Second Improved TRS Order* appears to contemplate that three-way calling via relay will be conducted between two hearing parties and a TTY user, but the order does not expressly preclude a hearing party and a TTY user (or two TTY users) from establishing a three-way TRS call to a second TTY user. As AT&T showed (Pet. at 9), processing such a call would create serious operational problems for Communications Assistants (“CAs”). Accordingly, the *Second Improved TRS Order* should also be clarified to relieve TRS providers of the obligation to process TRS calls involving two or more TTY users, or the Commission should in the alternative waive any such obligation until January 2008, subject to certain periodic reporting obligations. See p. 5, *infra*.

Commission concerning three-way call processing, AT&T is unable to prepare specifications for its vendor to provide software modifications needed to originate three-way calling from its TRS centers.¹² Even with such guidance, moreover, deploying such a capability will require time-consuming and expensive additional development and modification of its TRS centers' existing functions. All other TRS providers who addressed that issue in the earlier comment round in 2003 agreed that they also lack the ability to originate three-way calling from their relay centers.¹³ In the event it continues to require provision of three-way calling originated from a TRS center, AT&T suggests that for ease of regulatory administration and oversight the Commission should extend the current three-way calling waiver to January 2008. Such action by the Commission will make the three-way calling waiver coextensive with other current waivers regarding provision of TRS features and functions. As with those other waivers, the Commission should make the extension for three-way calling subject to periodic reporting by TRS providers concerning the extent of any technological developments that may warrant modifying the current waiver.¹⁴

¹² See AT&T Pet. at 9-10. Examples of operational scenarios that must be resolved in order to proceed with software development include whether TRS providers are required to offer three-way calls involving two TTY users, and the appropriate end-user billing of three-way TRS calls. See nn. 10-11, *supra*.

¹³ See Sprint Comments at 5-6 ("Like AT&T, Sprint's TRS platforms currently deployed at its relay centers do not allow for the provision of this type of three-way calling")(footnote omitted); SBC at 2 ("To the extent a TRS user has not subscribed to three-way calling from the LEC, the TRS provider would be incapable of setting up or participating in a three-way call").

¹⁴ See, e.g., *Second Improved TRS Order*, ¶¶ 35-36.

Respectfully submitted,

/s/ Peter H. Jacoby

Leonard J. Cali

Lawrence J. Lafaro

Peter H. Jacoby

AT&T Corp.

One AT&T Way

Room 3A251

Bedminster, N.J. 07921

Tel: (908) 532-1830

Fax: (908) 532-1219

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